

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13905, of Lester N. and Joyce Z. Scall, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a proposed dormer addition to a detached dwelling which is a non-conforming structure in an R-2 District at premises 3918 Livingston Street, N.W., (Square 1749, Lot 71).

HEARING DATE: January 26, 1983

DECISION DATE: January 26, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Livingston Street, between 39th and 41st Streets, N.W. It is in an R-2 District and is known as 3918 Livingston Street, N.W.

2. The subject property is improved with a two story detached single family dwelling and garage. The lot contains 6,000 square feet of lot area, far in excess of the 4,000 square foot minimum lot area required. The lot is basically rectangular in shape and slopes downward to the rear of the lot.

3. The subject dwelling was built in 1926, prior to the adoption of the present Zoning Regulations.

4. The subject dwelling is non-conforming with regard to the side yard requirements. The Zoning Regulations require a side yard of eight feet in the R-2 District. The existing dwelling has a side yard of 3.8 feet on the west and 2.6 feet on the east.

5. The applicants propose to construct a front and rear dormer addition to the existing attic. The construction of the proposed dormers will not increase the existing height of the dwelling.

6. The proposed dormer addition will not increase the existing non-conformance. The west wall of the proposed dormer will be four and one-half feet from the property line. The east wall of the dormer will be 12.1 feet from the lot line.

7. The applicants propose to provide a bedroom, bathroom and closet space in the existing unfinished attic area of the dwelling. The steep pitch of the roof at present makes forty-one percent of the existing attic space inaccessible crawl space which is unusable for living space without the proposed dormers.

8. The applicants testified that the location of the dormer closer to the west property line is necessary due to the location of existing plumbing lines in the southwest portion of the dwelling. Those plumbing lines necessitate the location of the proposed bath in this portion of the addition. The configuration of the house also necessitates the location of a stairway to serve the addition in an existing small bedroom on the western side of the dwelling.

9. The subject property was previously before the Board in application No. 12888. The Board, in that case, by Order dated May 4, 1979, granted a variance allowing the applicants to add a kitchen and rear deck to the dwelling. The granting of that relief did not create the non-conformity of the existing side yards nor increase the non-conformity.

10. The lot occupancy of the existing dwelling with the proposed dormer additions will be 1,674.42 square feet, well below the allowable lot occupancy of 2,400 square feet.

11. The abutting property owners on either side submitted letters to the record stating that they are in favor of granting the application.

12. The Chairman of Advisory Neighborhood Commission 3G, by letter dated January 4, 1983, indicated that the ANC had no comment on the subject application.

13. There was no opposition to the granting of the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, which requires a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that the proposed dormer addition will not increase the degree of non-conformity of the existing side yards. The Board further concludes that the

location of the dwelling on the lot which pre-dates the 1958 Zoning Regulations, constitutes an exceptional condition of the property, and that the applicants would suffer a practical difficulty if the Zoning Regulations were strictly applied.

The Board concludes that the testimony and documentary evidence in the record evidences that the proposed addition will not be objectionable and will not be inconsistent with the intent and purposes of the regulations. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Carrie L. Thornhill, William F. McIntosh, Douglas J. Patton and Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 11 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13905order/JANE11